



J-3924

"PATENT APPLICATION"

AF/JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Application of

JAMES J. LESKOWICZ ET AL

U.S. Serial No. 10/822,301

Group Art Unit 1796

Filed: April 9, 2004

L. Douyon, Examiner

ZERO TO LOW VOC GLASS AND
GENERAL PURPOSE CLEANER

Racine, Wisconsin
February 23, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

Dear Sir:

This reply brief is being submitted in response to the Examiner's Answer mailed December 23, 2009 and Supplemental Examiner's Answer mailed January 27, 2010 in order to respond to new points of argument raised by the Examiner and to avoid acquiescence in the position of the Examiner.

Applicants note that the "Grounds of Rejection" set forth in Section (9) of the Examiner's Answer are the same grounds as set forth in the Office Action mailed

October 30, 2008. Accordingly, applicants rely on their principal Brief on Appeal filed October 5, 2009 as addressing these grounds.

Applicants further note that the "Response to Argument" set forth in Section (10) of the Examiner's Answer is essentially the same as the "Response to Arguments" set forth in the Final Office Action mailed May 6, 2009 starting at page 5 thereof. The only addition is in Section (10) B. set forth at pages 21-22 of the Examiner's Answer. Accordingly, applicants rely on their principal Brief on Appeal filed October 5, 2009 and the brief remarks below as to the new points raised in Section (10) B. as addressing the response.

In Section (10) B., the Examiner asserts that the substitution of equivalents requires no express motivation as long as the prior art recognizes the equivalency and on this basis asserts that it would be obvious to substitute capryloamphodipropionate with disodium cocoamphodipropionate based on each being an amphoteric surfactant in a glass cleaning composition.

Applicants respectfully submit that this is a simplification of the differences between the substance of rejected dependent claims 10, 14, 20, 22, 36, 46 and 58 and the applied combination of Neumiller '681 and Neumiller

'921. The differences between the claimed compositions and the combined teachings of Neumiller '681 and Neumiller '921 begin with the shortcomings of Neumiller '681 as set forth in Section I.1 (starting at page 15) of applicants' Brief on Appeal filed October 5, 2009, and resubmitted here, which are not overcome by this substitution of components. Further, such substitution does not address other limitations of these dependent claims. Namely, that the particular rejected dependent claims 10, 14, 20, 22, 36, 46 and 58 require specific combinations, i.e., that the low-volatile evaporative organic solvent is ethylene glycol n-hexyl ether (dependent claim 14 and 20-22), the specific combination of an anionic surfactant with the amphoteric surfactant, in particular where the anionic surfactant is further defined as a sulfate and/or sulfonate compound (dependent claim 20), further requires propylene glycol as the polyhydric alcohol present in the combination (dependent claim 36), requires that the alkanolamine is monoethanolamine (dependent claim 46), and the aliphatic alcohol is isopropanol (dependent claim 58).

Therefore, even assuming for the sake of argument, that it would be obvious to substitute capryloamphodipropionate with disodium cocoamphodipropionate on the basis that both are amphoteric surfactants, such does

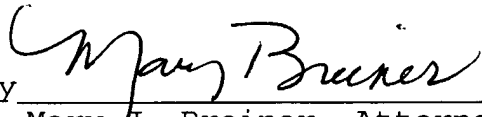
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not address the other shortcomings of the combination of
Neumiller '681 and Neumiller '921.

Applicants respectfully request reversal of the
rejections to the claims.

Respectfully submitted,

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